

VERMONT DEPARTMENT OF CORRECTIONS

INTERIM REVISION MEMO

TO: All Staff
FROM: Andrew A. Pallito, Commissioner *A. Pallito*
RE: Clarification of Directive 409.03, *DNA Sample Collection* (dated 10/20/04)
DATE: May 30, 2013
Cc: Lisa Menard, Deputy Commissioner

The purpose of this Interim Revision Memo is to provide clarification for when DNA samples need to be obtained from inmates/offenders as identified in 20 VSA § 1933 and to remove appendix 3.

Due to the importance of DNA collection in assisting federal, state, local criminal justice, and law enforcement agencies in identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of crimes, it is the policy of the Department to collect a DNA sample from an inmate/offender convicted of a designated crime (20 VSA § 1932 (12)) for which no DNA sample has been previously submitted no matter if the person has submitted a DNA sample as result of an arraignment and/or conviction for a previous designated crime.

Appendix 3 is being removed from the directive as the definition of designated crime has changed in statute (20 VSA § 1932(12)). A designated crime is defined as:

- 1) A felony;
- 2) Domestic assault (13 VSA § 1042);
- 3) Any crime for which a person is required to register as a sex offender pursuant to subchapter 3 of chapter 167 of Title 13;
- 4) An attempt to commit any offense listed in this subdivision; or
- 5) Any other offense, if, as part of a plea agreement in an action in which the original charge was a crime listed in this subdivision and probable cause was found by the court, there is a requirement that the defendant submit a DNA sample to the DNA data bank.

If you have any questions, please contact Gary Dillon at gary.dillon@state.vt.us.